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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
920522-114349

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

Application Number	Filed
10/551,242	July 24, 2006

First Named Inventor	
Mark Watson	
Art Unit	**Examiner**
2617	German Viana Di Prisco

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☑ attorney or agent of record. Registration number 26,935
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

/William M. Lee, Jr./
Signature

William M. Lee, Jr.
Typed or printed name

312-214-4800
Telephone number

April 20, 2011
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 forms are submitted.

DOCKET NO. 920522-114349

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	)	
	)	
Mark Watson	)	Examiner: German Viana Di Prisco
	)	
Serial No.: 10/551,242	)	Group Art Unit: 2617
	)	
Filed: July 24, 2006	)	Confirmation No.: 4283
	)	
Title: Including a Hashed Service Identifier in a Paging Message for a Service Group Call	)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

The request is being filed with a Notice of Appeal and form PTO/SB/33.

It is respectfully submitted that the rejection of independent claims 1, 5 and 8 under 35 U.S.C. § 103(a) as being unpatentable over US Patent Application Publication No. 2003/0157949 A1 (Sarkkinen-949) and further in view of Patent No.: US 6 785 278 B1 (Calvignac) is erroneous.

The Office Action asserts that Sarkkinen-949 discloses all of the features of the independent claims except not explicitly "*applying a hash function to a data string including at least part of the unique service identifier*". However, the Office Action relies on Calvignac to disclose this feature (page 3 lines 8-11). It is submitted that the interpretation of the prior art by the Office Action is erroneous for the following reasons:

In particular Sarkkinen-949 in combination with Calvignac does not disclose the following features of the instant invention

1a): *"determining a paging identifier in the telecommunication network by applying a hash function to a data string including at least part of the unique service identifier"*

1b): *"determining a paging identifier at a subscriber station by applying a hash function to a data string including at least part of the unique service identifier"*.

Regarding those features the Office Action asserts "*In the same field of endeavor Calvignac discloses applying a hash function to a data string including at least part of the unique service identifier (Calvignac discloses that the use of a hash function in IP routing is well-known in the art. By applying a hash function to a 32 bit IP address, the number of bits is reduced. See column 1, II, 17-26).*" However, at this location Calvignac discloses: "*This 32 bit address may be mapped to labels (number with fewer bits than the address) so as to increase the speed with which the next address in the route or the other address-based determination may be made. Thus the 32 bit address may for example, be hashed to 16 bits which are then associated with routing rules.*"

Consequently Calvignac merely discloses to map routing addresses to shorter routing addresses in form of hash routing addresses in a router. However, Calvignac can not be interpreted to disclose feature **1b**) of the instant invention. Calvignac in no way discloses applying a hash function to a data string including at least part of the unique service identifier at the subscriber station.

Consequently the combination of Calvignac with Sarkkinen-949 does not disclose **feature 1b)** of the instant invention.

Moreover, Sarkkinen-949 does not disclose feature **1a**) of the instant invention namely, determining a paging identifier in the telecommunication network including the unique service identifier. At paragraph [0046], cited by the Office Action, Sarkkinen teaches "*This identification information*" here referring to the multicast service announcement of the previous line "*may consist of a service identification, group identification, serial number of the service in a list, an offset value, multicast service address, or some other information*". Consequently Sarkkinen-949 explicitly lists the group identification and the service identification as two separate data entities of the multicast service announcement identification information. Out of these separate data entities the skilled person would associate the paging identifier with the group identification. Thus Sarkkinen-949 does not teach feature **1a)** of the instant invention but explicitly teaches the skilled person away from this feature in clearly stating that the service

identification and the group identification are two separate data entities. This contravenes the claim language of the instant invention which explicitly states that the paging identifier includes at least part of the unique service identifier.

Consequently Sarkkinen-949 does not teach feature **1a)** of the instant invention and, in fact, teaches away from feature **1a)** of the instant invention.

Moreover, Sarkkinen-949 does not disclose feature **2)** of the instant invention namely, **2)**:"*prior to transmitting information pertaining to the service over a broadcast channel, transmitting a paging message incorporating said paging identifier to the wireless stations*". In particular Sarkkinen-949 can not be interpreted to disclose the claim language "*prior transmission*". At paragraph [0016] lines 6-8 Sarkkinen-949 discloses "*The RNC continuously sends multicast service announcements in a frame over a channel such as a paging indicator channel (PICH).*". Further, at paragraph [0031], lines 8 and 9 Sarkkinen-949 discloses "*A network may continuously indicate the status of the multicast service situation to the cell*".

In the introductory part of the specification of the instant application problems are discussed, namely, "*If no indication of the service is incorporated in the paging message, all the paged wireless stations read the specified channels, while only a few of them may actually have a subscription with the service. Moreover, it is not readily feasible to include in the paging message a unique identifier of the service. Such identifier can be long binary code not suitable for transmission of a paging channel because the amount of information broadcast on a paging channel has to be minimized to limit the radio interference and to reduce the processing accomplished by the idle station and hence their power consumption.*" (page 1 lines 20-28).

However, a continuous transmission according to the teaching of Sarkkinen-949 contravenes the object of the instant invention "*to overcome the above limitations by optimizing the delivery of broadcast multicast types or services*" (page 1 lines 29 and 30). In case the teaching of Sarkkinen-949 would be applied this would require continuous listening by the receiving stations and thus a large processing capacity at the subscriber stations and would entail a huge power consumption.

Further, continuous is not prior. Continuous can only be interpreted as prior in applying hindsight analysis which, of course, is not permissible. With the same unjustified reasoning "continuous" can be interpreted as "after". However, continuous is not prior and not after - it is continuous. Thus, Sarkkinen-949 does not disclose the above feature **2)** of the instant invention.

In view of the foregoing it is clear that independent claims 1, 5 and 8 are not rendered obvious by the combination of Sarkkinen-949 and Calvignac.

CONCLUSION

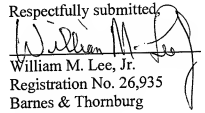
Claims 1, 5 and 8 are thus submitted to be allowable. Dependent claims are submitted to be allowable for at least the same reasons as corresponding independent claims.

Reversal of the rejection and allowance of all claims is respectfully requested.

The commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 141315.

April 20, 2011

Respectfully submitted,



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